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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/317,110	05/24/99	WHITE	P 7791-0068-25

022850 LM02/0802  
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EXAMINER

LASTRA, D

ART UNIT	PAPER NUMBER
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2764

*10*

DATE MAILED: 08/02/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

**Office Action Summary**

Application No.

09/317,110

Applicant(s)

WHITE, PHILLIP

Examiner

DANIEL LASTRA

Art Unit

2764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/25/99 and 3/2/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

1. Claims 1-32 have been examined.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. N Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fajkowski (U.S. 5,905,246) in view of McMahon et al. (U.S. 5,789,732)

As per claim 1, Fajkowski discloses a system for the electronic management and redemption of coupons comprising:

An incentive processor for storing a plurality of purchasing incentives corresponding to a plurality of item identifiers for items subject to rainchecks (see column 15, lines 28-33 and item 113 of figure 13; column 16, lines 23-67);

A point-of-sale ( POS) controller (see column 15, line 13-17 and item 100 figure 13);

At least one cash register (see column 15, line 17-20 and item 150 of figure 13);  
and

A POS bus coupling said POS controller, said at least one cash register, and said incentive processor (see column 15, lines 15-60);

Wherein a respective cash register of said at least one cash register is configured to receive data defining an item identifier for an item that is subject to a raincheck (see column 15 lines 17-27; column 21 lines 26-30);

One of said POS controller and said respective cash register is configured to transmit said data defining said item identifier for said item that is subject to said raincheck over said POS bus to said incentive processor (see column 15, lines 28-35; column 16, lines 62-67 – column 17, lines 1-11);

Said incentive processor is configured to generate raincheck information including at least one purchasing incentive in response to receipt of said data defining said item identifier for said item subject to said raincheck, said plurality purchasing incentives, and said plurality of item identifiers (see column 20, lines 34-66)

Fajkowski fail to teach at least one incentive printer, and incentive processor bus coupling said incentive processor to said at least one incentive printer, said incentive processor configured to transmit said raincheck information to a respective incentive printer of said at least one incentive printer over said incentive processor bus, and said respective incentive printer configured to print a raincheck including said at least one purchasing incentive in response to receipt of said raincheck information received from said incentive processor. However, McMahon et al disclose an Apparatus for Initiating Raincheck Printing comprising:

at least one incentive printer (see column 3, lines 6-10)

and incentive processor bus coupling said incentive processor to said at least one incentive printer (see column 2, lines 65-67 – column 3, lines 1-10 and figure 4);

said incentive processor is configured to transmit said raincheck information to a respective incentive printer of said at least one incentive printer over said incentive processor bus and said respective incentive printer is configured to print a raincheck

including said at least one purchasing incentive in response to receipt of said raincheck information received from said incentive processor (see column 2 , lines 65-67 – column 3, lines 1-12 and figure 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement McMahon et al raincheck printing to Fajkowski. Fajkowski saves the raincheck information to the coupon card's memory but it would have been a highly desirable feature to print the raincheck information, so if the coupon card fails the customer still has a hard copy form of the raincheck.

Official notice is taken that it is old and well known in the computer art that anything saved to a computer or device memory can be printed. Fajkowski also has a coupon dispenser where the coupon list is printed in hard copy form and stored at the same time in the coupon's card memory (see column 27, lines 55-67 and item 270 of figure 18b)

As per claim 2, Fajkowski shows:

A retailer site configured to identify said plurality of purchasing incentives corresponding to said plurality of item identifiers (see column 22, lines 49-62);

And incentive processing site (see item 200 in figure 1);

Wherein said retailer site configured to transmit said plurality of purchasing incentives corresponding to said plurality of item identifiers to said incentive processing site (see column 22, lines 49-62);

Said incentive processing site is configured to receive said plurality of purchasing incentives corresponding to said plurality of item identifiers from said retailer site (see column 22, lines 49-62);

Said incentive processing site is configured to store said plurality of purchasing incentives corresponding to said plurality of item identifiers via said incentive processor (see column 22, lines 49-67 – column 23, lines 1-5)

As per claim 3, Fajkowski shows:

One of said retailer site is and said incentive processing site is configured to generate a raincheck list including a description of items corresponding to said plurality of item identifiers along with said plurality of item identifiers (see column 19, lines 51-67 – column 20, lines 1-9; column 20, lines 54-67 – column 21, lines 1-25);

And said respective cash register of said at least one cash register is configured to receive said data defining said item identifier for an item that is subject to a raincheck based on said raincheck list (see column 21, lines 26-30)

As per claim 4, Fajkowski shows:

Said Incentive processor configured to store a printed raincheck list comprising a list of when rainchecks were printed and item identifiers corresponding thereto (see column 22, lines 18-48);

Said incentive processing site is configured to generate a weekly report of printed rainchecks and item identifiers corresponding thereto based on said printed raincheck list (see column 22, lines 28-48)

As per claim 5, Fajkowski shows:

Said at least one purchasing incentive comprises one of a token and a discount coupon (see column 20, line 34-38).

Said token enabling a customer to purchase said item subject to said raincheck when said item is in stock and at a price when said item was subject to said raincheck (see column 20, line 34-38);

Said discount coupon enabling a customer to purchase said item subject to said raincheck when said item is in stock and at a price discounted from said price when said item was subject to said raincheck (see column 20, line 34-38 );

Fajkowski does not explicitly disclose the feature that the raincheck would be a discount coupon or a token. However, this feature is deemed to be inherent because in the retail environment when a customer discovers a desired item is out of stock, the retailer often desires to provide the customer with a raincheck, which is essentially a certificate, be a token or a discount coupon, granting the customer a guarantee that the out of stock item may be purchased later at the current price.

As per claim 6, it has the same limitations as claim 5, therefore the same rejection applies.

As per claims 7-8, Fajkowski shows:

Said item subject to said raincheck when said item is not in stock (see column 20, lines 34-38)

As per claims 9-16, they are written in process format and contain the same limitations as claims 1-8, therefore the same rejections apply.

As per claims 17-24, they are written as a computer program and contain the same limitations as claims 1-8, therefore the same rejections apply.

As per claims 25-32, they are written in means format and contain the same limitations as claims 1-8, therefore the same rejections apply.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- West et al (US 5,845,259) teach a cost-effective, in-store coupon dispensing system that increases coupon redemption rates and products turns to minimize the necessity of distribution of rainchecks for sold out products during coupon promotion.
- Churchill (US 4,086,475) teaches a ticket system that can be used as a raincheck.
- De Lapa et al (US 6,076,068) present an invention of a computer system and method which generates coupons to provide discounts for purchases which one of its objectives is to minimize raincheck distribution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached from 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES TRAMMELL can be reached on 703-305-9768. The fax phone



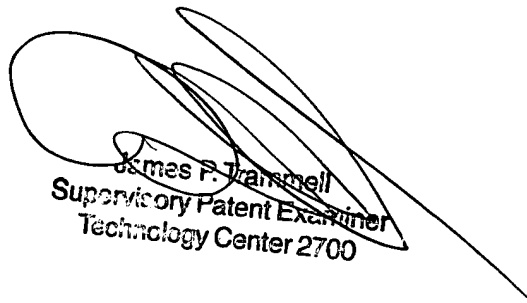
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numbers for the organization where this application or proceeding is assigned are 703-308-9051 for regular communications and 703-308-5357 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

D.L.  
Daniel Lastra  
July 27, 2000

  
James P. Transwell  
Supervisory Patent Examiner  
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